



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
May 9, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on May 9, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn, Jamie Mills and William Tubby.

OTHERS: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, Ald. Lynn Eckert, Common Council Liaison.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Ruth Bendelius – Began purchasing properties in the Rondout District in the late 1970's. She and her husband offered free rent at 39 Broadway to a bunch of tugboat enthusiasts that wanted to start a Maritime Museum. The Irish immigrants played a large part in the development of the Rondout and the canal. The Irish Cultural Center is a great opportunity for a regional educational & cultural center. Let's let the work begin.

Lowell Thing – Resides at 53 West Chestnut Street – Wanted to speak in favor of the Irish Cultural Center. If James McEntee were alive today, he is sure that he would be there with him

speaking in support. James McEntee was very possibly the first Irish immigrant in the Rondout area. Later, his son Jervis wrote about the Rondout. Much of the canal was built by the Irish and McEntee would be excited to revive the Irish culture. L. Thing has lived in the Rondout area for 40 years and has seen the rejuvenation of the area one restaurant and one museum at a time.

No one else spoke.

Chairman Platte closed the open public speaking portion of the meeting.

Item #2: Adoption of the April 11, 2016 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes from the April 11, 2016 Planning Board meeting. All agreed that they reviewed them and proposed no corrections.

Decision: The Board voted unanimously to adopt the April 9, 2016 Planning Board minutes. (WP, MW, JD, CP, RJ – yes)

PUBLIC HEARINGS:

Item #3: #68 & 80 Marius Street & 65 Rear Marius Street LOT LINE REVISION of the Lands of Patrick Connors, Dennis Connors, and Jessica Cingel. SBL 56.32-3-14, 56.32-3-15.100 & 56.32-4-12.100. SEQR Determination. Zone R-1. Ward 3. Patrick Connors, Dennis Connors, and Jessica Cingel; applicant/owner.

Discussion: No one spoke at the public hearing. Donald Brewer, surveyor, and Dennis Connors, owner of 80 Marius Street were present to represent the application. D. Brewer explained that the application includes the modification of 3 adjacent properties for purposes adjusting the backyard layout.

D. Brewer presented a map of “Lot Line Revision” dated 4/5/16. He explained that one of the property owners, J. Cingel (present in the audience), has agreed to give a triangular piece of land consisting of .106 acres to P. Connors to expand the yard next to his house. D & V. Connors will be giving a triangular piece of land consisting of .106 acres to J. Cingel to allow her to retain the same lot size that she has now. P. Connors lot will become more conforming while J. Cingel and D&V Connors far exceed the lot and bulk requirements. D. Connors stated that he felt it was a win for all property owners involved.

The applicants are aware that the lot line revision does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City’s assessment maps until the map and new deeds are filed.

The surveyor was informed that written descriptions will need to be submitted and reviewed prior to the Board Chairman’s signature. Also a signature block will need to be added to the final maps with signatures by all the property owner(s) prior to submission.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line revision with the following conditions: written descriptions submitted to staff for review and approval, final maps with property owner's signatures, and 5 paper copies and 1 mylar submitted for the Board Chairman's signature. (WP, CP, JD, MW, RJ – yes)

Item #4: #143 Hurley Avenue SPECIAL PERMIT renewal for a pavilion at a membership club. SBL 48.71-2-4. SEQR Determination. Zone O-2. Ward 1. Kingston Lodge #550; applicant/owner.

Discussion: No one spoke at the public hearing. Christopher Zell was present to represent the applicant. The application is for renewal of a special permit for the Elks Lodge membership club. The original approval was issued in 1996 and has been renewed ever since with no changes and no issues. The permit falls under section 405-23(C) (6) which states that special permits are required for "annual membership clubs, other than golf, tennis or swimming, incorporated pursuant to the provisions of the Not-for-Profit Corporation Law..."

Zoning Code section 405-10B (6) lists that the following uses are prohibited:

- 1 – Outdoor entertainment, live or mechanical
- 2 – Use of outdoor public-address systems for any purpose
- 3 – Exterior lighting, other than the essential for the safety and convenience of the users of the premises;
- 4 – Artificially illuminated sign or sign in excess of 12 square feet

A term for the permit was discussed. Staff advised the Board that there have been no issues with the Building Safety Division or the Police Department. Due to the exceptional record of no issues and no complaints, staff recommended increasing the term to 10 years. The Board agreed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit renewal for a period of 10 years to expire on May 9, 2026 with all original conditions carried forward. (WP, CP, JD, MW, RJ – yes)

Item #5: #187-189 O'Neil Street SPECIAL PERMIT renewal for Residential Care/Assisted Living Facility. SBL 48.318-6-22. SEQR Determination. Zone R-2. Ward 5. Family of Woodstock; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Berg, Executive Director, was present at the meeting. The application is for the renewal of a special permit for a residential care/assisted living facility for homeless adolescents and when necessary, their infants. The facility, known as Midway Program, is currently licensed to house a maximum 6 youth, along with three infants at any one given time for up to 18 months. Youth who enter the program at age 16 are allowed to stay up to 24 months in order to complete their high school education. The initial permit was issued in March 2007 with annual renewals, the most recent being in May 2015.

The facility continues to be staffed 24 hours a day, 7 days a week with 4 full time and 1 part-time employee.

M. Berg stated that there were no changes to the permit. Chairman Platte commended the applicant for the appearance of the structure. M. Berg added that the Federal agency overseeing the funding chose this program to showcase transitional housing throughout the country.

An incident report was received from the police department. There were 15 incidents in the past year at this location; 1 trespass, 2 harassment, 4 larceny, information, welfare check, 2 warrant check, complaint, 2 missing person, and alarm.

Staff advised the Board that there were no outstanding issues or complaints with the BSD.

The project narrative stated that the facility saw an increase in the number of 16 year olds entering the program. This can make the program more difficult to run because the younger residents often need more supervision than Midway is able to provide due to limited staffing. M. Berg stated that a lot of the attention this year was focused on family work and reunification.

The Board discussed a term for the permit. Staff noted that Section 405-12 (11) of Zoning, stipulates that the term for a residential care/assisted living facility cannot be issued or renewed for a period longer than one year. The Board agreed to the 1 year term.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review by the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on May 9, 2017 with all original conditions carried forward. (WP, MW, JD, CP, RJ – yes)

Item #6: #38-50 Thomas Street SPECIAL PERMIT renewal for emergency shelter use. SBL 56.25-4-44. SEQR Determination. Zone O-3. Ward 5. Family of Woodstock; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Berg, Exec. Director, was present at the meeting. The proposal is to renew the special permit for an emergency shelter operated by Family of Woodstock. The permit was first approved in July 2001, and was most recently renewed in May 2015 for a 1 year term.

The shelter is broken up into the Darmstadt Shelter (40 Thomas) and the Family Inn (38 Thomas). Although both buildings are on one parcel, there are two addresses for purposes of 911 and emergency response systems.

M. Berg stated that there are no changes to the conditions of the original permit. He explained that they have been renovating the garage building to better serve the residents. The space will be used as an area for the children that live on site. M. Berg explained that Ulster County had asked FOW to consider expanding the number of beds for families in place of the beds that were used for individuals. FOW ultimately decided that they will not be pursuing the change of residents. They felt that eliminating the single population would negatively affect individuals

who are in recovery or addressing criminal justice or mental health issues. Their mission in Kingston is based on providing for a broad based population under varying circumstances.

The Darmstadt Shelter employs 10 full-time and 1 part-time employee. The shelter offers a clean and sober living environment for up to 19 men and women for up to 90 days. Services include crisis counseling, case management, parenting education, domestic violence information, life skills and work training, etc. While, the Family Inn, an emergency shelter for families, employs 13 full time staff and 3 part time staff. This facility provides shelter and case management for families and, when necessary, homeless single females.

The applicant submitted a detailed narrative stating 2015 accomplishments of the program for the Darmstadt and Family Shelters. The program provided 76 men and 88 women with 6,061 nights. The average stay was 36.9 days (87.3% occupancy). There were 21,783 meals served at the facility. The Family Inn, the emergency shelter, provided shelter and case management for 183 individuals, including 54 families with 116 children and 5 single individuals for a total of 9,619 resident nights.

The Board reviewed a police incident report received from KPD. There were 19 calls to this location in the past year; patrol, suspicious condition, subpoena, disturbance, check welfare, noise complaint, warrant check, domestic complaint, etc.

There were no issues listed with the Building Safety Division.

The Board discussed a term for permit. The term for emergency shelters is limited to 1 year under the Zoning Ordinance.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review by the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on May 9, 2017 with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

Item #7: #670 Broadway SPECIAL PERMIT RENEWAL for an apartment in the C-2 Mixed Use Overlay District. SBL 56.25-1-19. Zone C-2, MUOD, BOD. Ward 4. Rosa P. Merchan-Ayavaca; applicant/owner.

Discussion: No one spoke at the public hearing. The applicant was not present.

Decision: The Board voted unanimously to table the application for one month and request that the applicant be present at the meeting to discuss the application. The application will be placed on the June 13, 2016 meeting agenda. (WP, MW, JD, CP, RJ – yes)

NEW BUSINESS:

Item #8: **#11 Hone Street** SITE PLAN to establish a healing and beauty arts home occupation. SBL 56.50-5-12. SEQR Determination. Zone RT, Rondout Historic District, HAC. Peter Heatley & Michael Gamble; applicants/owners.

NOTE: Jonathan Korn recused himself due to his association as a realtor in the sale of the house.

Discussion: Peter Heatley and Michael Gamble were present at the meeting. They explained that the proposal is to create a home studio space on the ground floor of an existing building in the Rondout District. The space will be used for healing and beauty arts. Home occupation is permitted in the RT zone §405-19 (B) (2) (b) with the provision that the studio space not exceed 30% of the total floor area. The structure in question is 4 stories with the ground floor proposed for the studio. This layout meets the requirement.

W. Platte asked that applicants if they had experience with this type of business. M. Gamble said that he has been a licensed massage therapist for 15 years. The project narrative states that he has practiced in a variety of locations including Equinox Sports Club, Mt. Sinai Hospital, and the 5-star spa Mandarin Oriental Hotel, in New York City.

The three upper floors of the structure will be living space for the owners. The homeowners purchased the building in 2015 and are planning some renovations to the interior and painting and updating the exterior. They said that they have not decided on an exterior color or design for their sign. They said that they are planning to add a small sign to the porch to identify the business. The zoning code permits a 6sf sign in the RT District. The applicants are aware that they will need to gain approval by the Historic Landmarks Preservation Commission and the Heritage Area Commission for exterior changes.

The studio will be used by the homeowner with a second treatment space that will be used by other healing arts practitioners. Hours of operation will be by appointment only. M. Gamble stated that he works in NYC 4 days a week and that this will be a small side business for when he is in the area. They anticipate 8-10 clients per week.

The parking requirement for site is 5 spaces, (2 for the residence and 3 for the home occupation use). There is 1 space in the rear of the building along the unpaved City right-of-way known as Maiden Lane. The applicant requested a waiver from the remaining spaces. He stated in an email that there is the potential to add 2 more spaces in the rear of the building, however, they would need to remove a tree, change the configuration of fencing and remove a shed in order to do that. The Board agreed that the nature of the business and the policy of appointment only, would limit the need for excessive parking spaces. They agreed to issue a waiver for 4 spaces.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan to establish a healing and beauty arts home occupation with the following conditions: approval of both the Historic Landmarks Preservation Commission and the Heritage Area Commission, as well as, Board Policy #6 – signature of owners. The Board also voted to issue a partial waiver the off street parking requirement for 4 parking spaces. (WP, JD, MW, CP, RJ – yes)

Item #9: #32 Abeel Street & 33-39 Abeel Street SITE PLAN to construct a 16,889sf community center. SBL 56.43-5-35.100 & 56.43-3-27. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

NOTE: John Dwyer recused himself based on his affiliation as an ICCHV board member. R. Pordy stated that he rents space for his practice in a building owned by Board Member Robert Jacobsen. He stated that he does not feel that his relationship with R. Jacobsen was a conflict. R. Jacobsen added that as an attorney he follows the code of professional conduct. He agreed that there was no conflict with his position on the Planning Board as it related to Ronald Pordy representing the ICCHV.

Discussion: Ronald Pordy, attorney, Brad Will, architect, Matthew Rudicoff, planner, and Robert Carey, ICCHV were present at the meeting. They added that Mark Tiano, PE was the engineer for the project.

R. Pordy explained that the proposal is to construct a 16,889sf Irish Cultural Center. R. Pordy stated that the application is for site plan approval for the project. The zoning code permits this type of use with direct frontage on the West Strand. R. Pordy stated that the code itself does not say West Strand Street but rather described the West Strand as an area. The proposed ICC will have direct frontage on West Strand Street and on Company Hill Path which is part of the same right of way as West Strand Street and Dock Street. He explained that the proposal is being broken into 2 phases, the first phase includes the building and parking lot on 32 Abeel Street. Phase 2 would be for the accessory parking lot across the street at 33-39 Abeel Street. He explained that the City of Kingston Zoning Code does not allow for parking lots as a primary use on a lot. This is a deficit in the current zoning code. The zoning code update would include this change in the first round of changes proposed to the Common Council. The applicants will be applying for an area variance from the setbacks requirement of 0' or 6'. The current project plan includes a 3ft. setback on the eastern property line.

J. Korn expressed concern with the phased plan for parking. He stated that he lives in the Rondout area and knows that parking is at a premium, particularly on weekends, holidays and evenings. R. Pordy agreed that owners should be encouraged to purchase lots nearby to accommodate off street parking. The current zoning code does not permit parking and makes it very difficult for developers to construct a building of any significance because of the parking requirement. He added that the zoning code attempted to rectify this issue by allowing the Planning Board to issue a waiver from the parking requirement. He stated that parking waiver fits perfectly with the ICCHV's proposal based on the proximity to municipal parking lots and the access via Company Hill Path. The ICCHV's main entrance will be on Company Hill Path. R. Bendelius asked Chairman Platte for the ability to speak. He agreed. R. Bendelius stated that she was the owner of these vacant lots and that many times through the years it was suggested that the W. Union/Abeel Street lot be used as parking.

R. Jacobsen clarified that the suggested change to the Zoning Code is an action that needs to be addressed by the Common Council and that it is out of the purview of the Planning Board.

O. Harvey, neighbor, added that if the zoning code were not changed, then the onsite parking lot would only accommodate 18 spaces for potentially 430 people. R. Pordy stated that the number

430 is not an accurate representation but that there are municipal parking lots in the area that are meant to accommodate the Rondout as a mixed use neighborhood. R. Pordy stated that parking needs to be addressed in the Zoning Code to allow for commercial buildings of any significance for the overall growth and economic development of the Rondout neighborhood.

B. Will presented photo simulations of the new design. He explained that the building will have an industrial look with construction that focuses on energy efficiency. Construction will be masonry over concrete.

The project is considered a Type I action under SEQR due to the location in the Nationally Designated Rondout Historic District. A resolution was prepared for the Board's consideration to allow the Planning Board to seek Lead Agency in the SEQR review.

Decision: The Board voted unanimously to adopt a resolution seeking Lead Agency status in the SEQR review of the proposed Irish Cultural Center Hudson Valley. The Board directed Planning staff to circulate documentation to Involved and Interested Agencies. (WP, MW, CP, RJ, JK – yes)

OLD BUSINESS:

Item #10: **#299 South Wall Street** SITE PLAN amendment to operate an auto repair facility. SBL 56.32-6-30.100. SEQR Determination. Zone C-3. Ward 5. Arlet Cartagena/applicant; Edward Lattin; owner.

Discussion: Arlet Cartagena and Steve Lattin were present at the meeting. S. Lattin noted that his brother was not available and that he was there to represent him as the owner. The application is to amend the site plan to allow for additional parking for their repair vehicles. The applicant stated that the business requires additional parking spaces because they have clients that exceed the approved plan and that they have been issued violations by the Building Department. S. Lattin stated that it was an oversight at the time to only include 20 parking spaces on the plan and that auto repair needs more than 6 spaces.

Chairman Platte stated that there have been issues with the operation of this business exceeding the hours of operation and the number of vehicles on the site. The Building Safety Division has been to the site numerous times and has found many more vehicles than what was approved under the original site plan.

A. Cartagena said that many times the police are being called when they are cleaning up or doing paperwork. The police were called on a Sunday when they were taking out the trash. S. Lattin stated that it is one property that has been calling the police. The building is in a commercial area with other commercial businesses.

R. Jacobsen asked where the plan stood. Staff explained that the original approval included 20 parking spaces of which 14 were dedicated to Mike's Used Office Furniture based on square footage. That left 6 spaces for the Ride Auto business. R. Jacobsen asked whether the issues are arising from the number of vehicles, the noise being generated or the hours of operation. S. Cahill stated that there have been various complaints with noise being generated after approved

business hours. W. Platte added that there have also been complaints to the BSD about the number of vehicles on the site. Violations have been issued for non-compliance with the approved site plan.

W. Platte explained that he was looking to deny the application for expansion of parking but that the applicant could reapply. He added that he would like to see the business comply with the current approved plan and conditions for a time period. If it could be demonstrated that the applicant could stay in compliance without police and BSD incidents, he would reconsider the expansion.

A. Cartegena presented photos of another auto business on Greenkill Avenue that she felt was operating without approvals. She stated that she felt she was being targeted. W. Platte said that the departments are often complaint driven and that the BSD does not always drive around looking for violations, many times the violations are brought to their attention by complaints from others.

Decision: The Board voted to deny the site plan amendment for expansion of the parking area. The Board stated that the business has had ongoing issues of non-compliance with the approved site plan and conditions and that they would not approve an expansion. (WP, CP, JD, MW – yes; RJ – no)

Item #10: #200 North Street SITE PLAN/SPECIAL PERMIT to establish and operate multi-use market. SBL 48.84-1-4. SEQOR Determination. Zone RRR, RF-H, Heritage Area and Coastal Zone. Ward 8. Jonathan Butler/applicant; North Street Brick Works LLC/owner.

NOTE: Robert Jacobsen recused himself having been legal representative for the applicant.

Discussion: Kevin McManus and Nicholas Vamvas were present at the meeting to represent the applicant. The application is to establish a seasonal food and flea market utilizing existing structures and open space. K. McManus told the Board that some of the work has been done. New roofs have been put on and the restaurant building has been gutted. Work is going to take longer than originally expected. The applicants had hoped to open in early June but are now aiming for August because of all of the site work that still needs to be completed.

S. Cahill told the Board that a resolution had been prepared for the Board's consideration to declare themselves as Lead Agency in the SEQOR review. The Planning Office did not receive any objections to the circulated request.

S. Cahill added that she had sent an email asking the board to consider a special meeting for the Smorgasburg application. The meeting will be on Monday, May 23rd.

Decision: The Board voted unanimously adopt the resolution declaring the City of Kingston Planning Board as Lead Agency in the SEQOR review. (WP, JK, JD, CP, JK – yes)

Item #12: #199 R Hurley Avenue & #203 & 205 Hurley Avenue & 493-495 Washington Avenue SITE PLAN to construct a 60 unit senior housing complex. SBL 48.70-1-7.200 & 48.70-1-15.100 & 48.70-1-15.200. Zone C-1/O-2. Hudson Valley Housing Development Fund Company, Inc./applicant; HVHDFC, Inc./ Ulster Savings Bank/owner.

Discussion: S. Cahill explained to the Board that the applicants requested that the application be tabled.

Decision: The Board voted unanimously to table the application. (RJ, WP, MW, JD, CP – yes)

May.9.2016MINUTES